



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 11, 2011  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

*P A P P A P P*

**ROLL CALL:** *Mantini, Livengood, Bixby, Farley, Shier Burnett, Ryan, Delgleize*

Commissioners Livengood and Shier Burnett were absent.

### AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JANUARY 11, 2011, BY THE FOLLOWING VOTE:

**AYES:** Mantini, Bixby, Farley, Ryan, Delgleize  
**NOES:** None  
**ABSENT:** Livengood, Shier Burnett  
**ABSTAIN:** None

### MOTION APPROVED

Livengood arrived at 5:25 PM and Shier Burnett arrived at 5:28 PM.

#### **A. PROJECT REVIEW (FUTURE AGENDA ITEMS)**

##### **A-1. CONDITIONAL USE PERMIT NO. 10-028 (BOMBURGER RESTAURANT WITH ALCOHOL) – Tess Nguyen, Associate Planner**

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project.

Commissioner Farley asked the business owner to address how they would prevent alcohol sales after 10 PM at the public hearing.

##### **A-2. ENVIRONMENTAL IMPACT REPORT NO. 10-002 (MURDY COMMONS/LEVITZ) – Jennifer Villasenor, Senior Planner**

Jennifer Villasenor, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion on the recommended mitigation measures and the potential for additional mitigation measures. Ms. Broeren gave a brief overview of the traffic impact fee calculation and allocation process.

**B. STUDY SESSION ITEMS – NONE**

**C. PUBLIC COMMENTS**

Nate Carlson, Sares-Regis Group, spoke in favor of Item No. A-2 and made himself available for any Commissioner questions.

**D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there is one Late Communication Item No. B-1.

**E. PLANNING COMMISSION COMMITTEE REPORTS – NONE**

Commissioner Delgleize reported on the most recent meeting of the Environmental Board, giving an overview of the Visitor's Bureau's presentation.

**F. PLANNING COMMISSION COMMENTS – NONE**

**6:00 P.M – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE– Led by Commissioner Livengood**

*P P P P P P P*

**ROLL CALL: *Mantini, Livengood, Bixby, Farley, Shier Burnett, Ryan, Delgleize***

**AGENDA APPROVAL**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION AGENDA OF JANUARY 11, 2011, BY THE FOLLOWING VOTE:**

**AYES: Mantini, Livengood, Farley, Shier Burnett, Ryan, Delgleize**

**NOES: None**

**ABSENT: None**

**ABSTAIN: Bixby**

**MOTION APPROVED**

**NOMINATION AND ELECTION OF CHAIRPERSON**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER BURNETT, TO NOMINATE AND ELECT BARBARA DELGLEIZE AS PLANNING COMMISSION CHAIR.**

**MOTION PASSED BY ACCLAMATION.**

**NOMINATION AND ELECTION OF VICE-CHAIRPERSON**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO NOMINATE AND ELECT JANIS MANTINI AS PLANNING COMMISSION VICE-CHAIR.**

**MOTION PASSED BY ACCLAMATION.**

**RECESS TO ALLOW RE-SEATING ARRANGEMENTS FOR NEW CHAIRPERSON, VICE-CHAIRPERSON AND PLANNING COMMISSION**

**PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1649 AND PLAQUE IN APPRECIATION TO OUTGOING CHAIRPERSON BLAIR FARLEY**

Chair Delgleize presented Resolution No. 1649 and a plaque to Outgoing Chair Farley.

**PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1650 IN APPRECIATION TO OUTGOING VICE-CHAIRPERSON FRED SPEAKER**

Chair Delgleize acknowledged Vice-Chair Speaker and John Scandura for their service to the city as Planning Commission members.

**A. ORAL COMMUNICATIONS - NONE**

**B. PUBLIC HEARING ITEMS**

**B-1. ZONING TEXT AMENDMENT NO. 10-005 (KENNELS) Applicant: City of Huntington Beach Request: To amend Section 203.06 – *Definitions* of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to revise the definition of a kennel. The amended definition would exclude detached single-family residences with a maximum of four dogs from being classified as a kennel provided that one of the four dogs is a specially-trained service, signal, or guide dog as defined in Section 365.5 of the California Penal Code. Location: Citywide Project Planner: Michael Fuentes**

**STAFF RECOMMENDATION:** Motion to: “Approve Zoning Text Amendment No. 10-005 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment No.2) to the City Council for adoption.”

Michael Fuentes, Senior Code Enforcement Officer, gave the staff presentation and an overview of the project.

There was a brief discussion on whether the ordinance would apply to service dogs in training, with Mr. Fuentes confirming that dogs in training would be allowed under Director discretion.

Commissioner Bixby confirmed with staff that, due to the minor Local Coastal Program Amendment, the ordinance would go into effect after Coastal Commission approval within the coastal zone.

**THE PUBLIC HEARING WAS OPENED.**

Gisela Campagne, resident, spoke in support of Item No. B-1, stating that it would be helpful to residents.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RYAN, TO APPROVE ZONING TEXT AMENDMENT NO. 10-005 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCES TO THE CITY COUNCIL ADOPTION, BY THE FOLLOWING VOTE:**

**AYES: Mantini, Livengood, Bixby, Farley, Shier Burnett, Ryan, Delgleize**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION APPROVED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because it is a minor zoning text amendment which does not change development standards, intensity, or density of any zoning district.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 10-005:**

1. Zoning Text Amendment No. 10-005 would amend Section 203.06 – *Definitions* of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to revise the definition of a kennel. The amended definition would exclude detached single-family residences with a maximum of four dogs from being classified as a kennel provided that one of the four dogs is a specially-trained service, signal or guide dog as defined in Section 365.5 of the California Penal Code. The amendment is consistent with goals, policies and objectives of the Air Quality, Housing and Noise Elements of the General Plan. These goals, policies and objectives provide for the preservation of the quality of established residential neighborhoods, the minimization of noise and air impacts on sensitive residential uses, and equal opportunities for all residents.
2. The Zoning Text Amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. Kennels, which are defined as the keeping of four or more dogs on a premises, are classified as a commercial land use and are not permitted in any residential zoning district. The proposed amendment would allow property owners and tenants of detached single-family residences to have a maximum of four dogs provided that one of the dogs is a specially-trained service, signal or guide dog necessary to assist residents with their daily activities. The amendment would exclude residences that meet these requirements from being classified as a kennel, which would remain a prohibited use in residential zoning districts.
3. A community need is demonstrated for the change proposed. The Zoning Text Amendment will allow residents that require a service, signal or guide dog to assist them in their daily activities to have a maximum of four dogs so that they may be afforded the same allowance

as other residents to have up to three dogs while accommodating for the specific needs of those residents by allowing a fourth dog.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed amendment would allow residents of detached single-family dwellings with a legitimate need for a specially-trained service dog to enjoy the same benefits as other residents that can have up to three dogs as pets while accommodating for the specific needs of those individuals by allowing a fourth dog as a service dog. Also, by limiting the allowance for a maximum of four dogs to detached single-family dwellings, the quality of established residential neighborhoods would be preserved by minimizing potential noise, odors, and maintenance issues on surrounding residences.

**C. CONSENT CALENDAR – NONE**

**D. NON-PUBLIC HEARING ITEMS – NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

Scott Hess, Director of Planning and Building- reported on the items from the previous City Council Meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

Scott Hess, Director of Planning and Building- reported on the items for the next City Council Meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

Herb Fauland, Planning Manager- reported on the items for the next Planning Commission Meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Farley congratulated Chair Delgleize and Vice-Chair Mantini on their new positions and thanked his fellow commissioners for a great year as Chair.

Commissioner Bixby stated that he was honored to be part of the Planning Commission and would serve with dedication.

Commissioner Ryan seconded Commissioner Bixby's comments.

Chair Delgleize stated that she was proud to be the chair of the Planning Commission and is looking forward to the coming year.

**ADJOURNMENT: Adjourned at 7:24 PM to the next regularly scheduled meeting of Tuesday, January 25, 2010.**

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson